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12 BURBERRY LIMITED

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA

15 BURBERRY LIMITED

16 Plaintiff,

17 v.

18 TUAN NGUYEN, an individual; and
19 JOHN DOES 1-10,

20 Defendants.

Civil Action No.: CV 05-4248 MMC

PROPOSED ORDER

Date: March 3, 2006
Time: 9:00 AM
Place: Courtroom 7, 19th Floor

ORDER

Pursuant to Columbia Insurance Co. v. Seescandy.com, 185 F.R.D. 573 (N.D. Cal. 1999), Plaintiff has exhausted traditional avenues for identifying the Doe Defendants and thus, Plaintiff is entitled to limited discovery. Because the Doe Defendants operate pseudonymously and entirely online, Plaintiffs cannot identify the Doe Defendants without information from eBay and the ISPs which provide online services to Doe Defendants, and the Postal Annex, which is believed to provide mail boxes to Doe Defendants.

This Court hereby grants Plaintiff's motion to request limited discovery upon the Doe Defendants and authorizes Plaintiff to serve subpoenas on the associated ISPs which provide services to the Web sites http://yeniluxurygoods.com, http://designergoodsonline.com, and http://www.luxurychoices.com, and the e-mail addresses bennyleekw@yahoo.com, admin@yeniluxurygoods.com, cs@yeniluxurygoods.com, cs@designergoodsonline.com, and cs@luxurychoices.com. Plaintiff may also serve subpoenas upon eBay to obtain information regarding the seller name, "auction-luxurygoods" and the Postal Annex located at 100 First Street, San Francisco, California 94105 to request any contact information associated with the mail boxes 100 – 328.

Dated: February 7, 2006

MAXINE M. CHESNEY

Judge of the United States District Court

Respectfully submitted,
KEATS McFARLAND & WILSON LLP

By: _____/s/_____
David K. Caplan
Attorney for Plaintiff
Burberry Limited

